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though there are over 70,000 words of text and over one hundred drawings contained in the entire patent. That occurrence is in column 2, line 60. The reference was not a technical disclosure. There is no suggestion to provide the method or structure of Applicant's claimed invention. The following is the context used for the word "x-ray film".

"It is an axiom of a hospital that the most vital record is the hardest to access and the most likely to be lost. Whether the record is a ECG or x-ray film, the more handling it receives, the more likely it is to be lost or damaged. The ECG management system can easily produce high quality duplicate master records which may be printed or transmitted to other sites for review, editing, printing or storage. With remote transmission capabilities, hospitals may efficiently offer ECG management services or support to satellite facilities".

Applicant has not found the use of the word x-ray anywhere else in the entire patent. This paragraph does not teach Applicant's invention in any way. It does not teach any elements or method steps of Applicant's invention. The fact is that the entire '276 patent is dedicated to a ECG management, services or support system.

In column 1 of the '276 patent there is a detailed description of what the ECG system is all about and its capabilities for diagnostic twelve lead electro-cardiographs. In column 3 under the summary of the invention essentially between

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lines 43 and into column 4 through line 8, there is a thorough discussion of the present invention described in the '276 patent that includes numerous different systems such as "cardiac imaging, Holter monitoring, telemetry, echocardiography, stress echocardiography and pacer detection as well as administrative functions such as procedure coding, scheduling, inventory management, outcomes management and custom reporting. Further in column 4, beginning at line 24, there is a discussion of the '276 invention cardiology information system design that completely describes a system that has no mention, discussion or remote application to Applicant's invention in either the structure or the method for providing X-ray roentgenograms as specifically claimed by Applicant in claims 1 through 5 and claims 10 through 17.

It is elementary patent law that for an anticipation rejection under 35 U.S.C. 102 (e) that a single reference such as the Wright, et al patent, must provide each and every element and limitation of the claimed invention. *In re Spada*, 911 Fed 2nd 705,708 15 U.S.P.Q. 2nd 1655, 1657 (Fed. Cir. 1990). Also the reference must be enabling and describe the Applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention. *In re Paulson*, U.S.P.Q. 2nd 1671 (Fed. Cir. 1994). In summary the true facts are that look as you may through literally over one hundred drawings and thousands and thousands of words of text in the specification

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and claims, there exists absolutely no suggestion of Applicant's invention, either apparatus or method as claimed in claims 1 through 5 and 10 through 17.

The Examiner's rejection of claims 1-3,5,10-13, and 15-17 under 35 U.S.C. 103(a) as being unpatentable over Wilkes is respectfully traversed. Wilkes provides no teaching of using X-ray film and digitizing the film to provide hard paper copies of the patient X-rays to provide a permanent patient record. There is no teaching to provide the method recited by these claims. The Applicant's invention provides to a doctor or other medical personnel precise copies of x-ray roentgenograms that are a excellent for medical observation as a permanent patient x-ray record that is not shown nor described nor hinted at in the prior art. The Examiner must use evidence and not substitute the Examiner's own opinions or personal experiences as a substitute for evidence to reach conclusions of unpatentability. *In re Zurko* (copy enclosed) No. 96-1258 (Fed. Cir. August 2, 2001).

It is Applicant's position that claims 1 through 3, 5, 10 through 13 and 15 through 17 are allowable over the art of the record. The Examiner states that the use of a scanner is well known in the computer art is one meaning for integration of data with a computer storage medium and the process of scanning in a picture chart, medical test and image the image will be stored digitally. The Examiner goes on to hypothesize that the image can then later be transmitted via modem, fax or internet to a

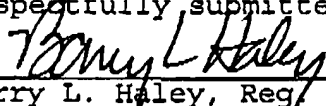
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receiving party. One would be motivated to incorporate such technology to simplify data transfers to interested parties.

In summary the claims are allowable over the art cited.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



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